

EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MARK S. SCOTT,

Defendant.

No. S10 17 Cr. 630 (ER)

DECLARATION OF
ARLO DEVLIN-BROWN

Arlo Devlin-Brown declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. Covington & Burling LLP (“Covington”) was engaged by Mark Scott to represent him shortly after his arrest on September 5, 2018, for purposes of securing release on bail.
2. Following release on bail on September 10, 2018, Mr. Scott sought to access funds that had not been seized or restricted to pay for defense counsel, including Covington, who he wished to maintain on the case.
3. At the time of his arrest, Mr. Scott had funds in various accounts at UBS. The Government obtained seizures warrant on September 4, 2018 and October 5, 2018 for three of the accounts, but did not seize funds in four other accounts, including a retirement account that had been funded through a prior employer and a 529 account for Mr. Scott’s son (the “Unrestrained UBS Accounts”).
4. On October 1, 2018 Mr. Scott initiated a wire of \$1,250,000 to attorney James Nobles from the Unrestrained UBS Accounts for payment of legal fees. My understanding is that the planned transfer to Mr. Nobles was for the purpose of paying various counsel Mr. Scott sought to engage for his defense, including Covington.
5. On October 4, 2018 Assistant United States Attorney (“AUSA”) Christopher J. DiMase, joined by other Government counsel, called me and advised that that the Government had contacted UBS and that UBS had decided to block the transfer from the Unrestrained UBS Accounts. Counsel for UBS confirmed the same.
6. Because Mr. Scott was unable to access funds from the Unrestrained UBS Accounts or other sources, Covington withdrew from the case in November 2018 and was replaced by David Garvin and James Nobles.
7. Covington reappeared in the case on August 29, 2019 after Mr. Scott was able to raise some additional funds for his defense. Mr. Scott owes Covington legal fees of \$1,104,169 for legal services in this case through October 2020.

8. On September 17, 2020, counsel for UBS advised me that UBS would require the Court's approval in order to release funds from the Unrestrained UBS Accounts, but would not take a position if the parties jointly requested a judicial order seeking such release.
9. I have spoken to Government counsel on various occasions beginning in September 2020 to request that the Government join an application to release funds from UBS unrestrained accounts for the purposes of satisfying outstanding legal fees. The Government has declined to do so.

Executed on: December 7, 2020
New York, New York

/s/ Arlo Devlin-Brown